

PROGRAM, RESPONSIBILITIES, AND PROBLEMS OF THE NEW OHIO DEPARTMENT OF NATURAL RESOURCES

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Appreciation is expressed for this opportunity to present to the Ohio Academy of Science certain factual information regarding the recently unified Department of Natural Resources here in our own State of Ohio. I am aware that many individuals who hold membership in the Academy contributed a great deal of their own time and effort toward the creation of this unified conservation program.

The movement to create an integrated state department, embracing all forms of resource conservation, has actually been in the making for nearly a decade. The idea had numerous, scattered proponents even earlier than that; but within the last half-dozen years, the idea really took hold and flourished to such an extent that legislation was introduced in three successive sessions of the Ohio General Assembly, relative to the creation of a unified Natural Resources Department.

The Bill which was finally enacted into law was Senate Bill No. 13, of the last General Assembly, and the law became operative on August 11, 1949.

It is perfectly safe to say that when the Bill was finally passed, probably no one was completely satisfied with the enacted version, although most Ohioans believed that a start had been made in the right direction. At this point, let me say that after nearly nine months of working under the provisions of the Bill, probably no one realizes more fully than I the numerous deficiencies in it; but at the same time, I have the utmost confidence that these deficiencies can be corrected, and the Bill further clarified without any serious threat to preserving the character and intent of the Act.

Numerous well qualified citizens of Ohio served on various committees to advise and review the legislation which was drafted prior to its introduction in the General Assembly. An effort was made to give persons directly interested in each of the several basic resources a voice in shaping the final broad concept of the Bill. On these committees were people interested in soil and agriculture; in geology; in wildlife problems; in parks and recreation; in the use of water from the standpoint of agriculture, industry and municipalities. Expert engineers also served on these committees. Whatever might be said for or against Senate Bill 13, it probably did reflect the attitude and the understanding of a wide range of people representing a fairly typical cross section of our entire population.

Senate Bill 13, as it became law, provided for the establishment of seven divisions in the Department of Natural Resources. These included four existing agencies and three new divisions created by the law itself. The existing agencies which were moved over into the new Department included the Division of Water, formerly listed as the Water Resources Board; the Division of Geological Survey; the Division of Forestry, formerly a section of the Agricultural Experiment Station; and the Division of Wildlife, formerly known as the Division of Conservation and Natural Resources. The three new divisions created included the Division of Beach Erosion, the Division of Lands and Soils, and the Division of Parks. A little later, I shall attempt to outline briefly for you the functions vested in each of the seven divisions.

The Natural Resources Commission established by the law, has a total of nine members. Seven of these members are appointed by the governor for seven-year terms on a staggered-term basis, and not more than four of these seven men may be members of the same political party. The other members in the Commission are designated to serve by virtue of the positions they hold—one being the Dean

of the College of Agriculture of the Ohio State University, and the other, the appointed director of Natural Resources. The director, however, is not authorized to vote on matters under consideration.

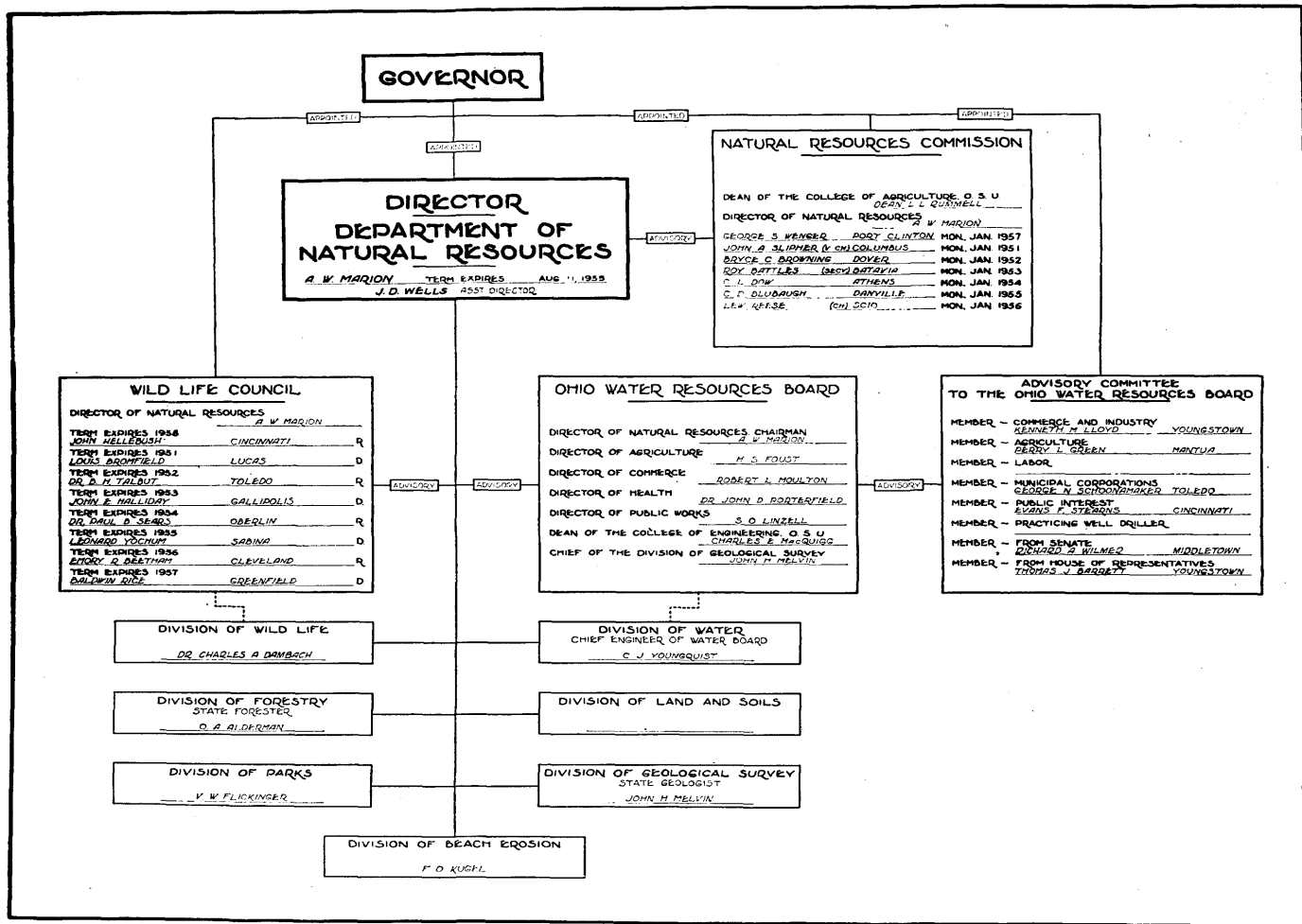
It was not my intention to enter into a discussion of personalities, but I do feel that to point out and name the initial membership of this Natural Resources Commission, will indicate to you the sincere attempt of the Governor to call upon highly qualified men to give public service, as a policy-making Board for this new, unified Department. Those who now serve on this Commission are: Mr. Roy Battles, widely known farm director of Radio Station WLW; Mr. C. D. Blubaugh, of Knox County, one of the pioneer practicing soil conservationists in the State of Ohio; Mr. Bryce C. Browning, nationally known secretary of the Muskingum Watershed Conservancy District and recognized as an authority on problems of water and forestry; Dr. C. L. Dow, Professor of Geology and Geography, of Ohio University; Mr. Lew C. Reese, one of America's outstanding industrialists whose Scio Pottery and management-labor relations has commanded national attention; Mr. John A. Slipher, widely regarded as one of the nation's outstanding practical soil technicians; and Mr. George Wenger, well-known industrialist and sportsman. The Commission exercises no administrative function but advises with and makes recommendations to the Director with regard to plans and programs for the management, development, utilization, and conservation of all of the natural resources in the State; it advises and makes recommendations on methods of co-ordinating the work of the several divisions in the Department; it may consider and make recommendations upon matters of policy which the Director may refer to it and hold public hearings on the same; and it may submit biennially to the governor such recommendations for changes in the Conservation Laws as may be deemed desirable. The members of the Commission serve without compensation, but are reimbursed for the actual and necessary expenses incurred in the performance of their duties. A majority of the membership of the Commission is necessary for a quorum.

The Bill, as it was passed, provided that there shall be a Director, appointed by the governor for a period of six years. His appointment shall be concurred in by the Natural Resources Commission and approved by the Senate.

The Bill provides that the Director shall formulate, determine, and institute the policies and programs of the Department and shall approve any contracts or agreements involving any of the seven divisions. The Director is empowered to correlate and co-ordinate the work and activities of the seven divisions so as to avoid unnecessary duplication of effort and overlapping of functions.

In addition two advisory boards were created by the Act; namely, the Wildlife Council and the Water Resources Board. There was also named an Advisory Board to the Water Resources Board, representing all affected segments of our population. The Director may create advisory boards for the rest of the Divisions, if he sees fit to do so. The Director is authorized to accept and expend gifts, devises and bequests of money, lands, and other properties on behalf of the Department or any of its divisions. He shall also have the power to publish and sell or otherwise distribute data, reports and information. With the approval of the governor, he may take action in behalf of the State for the appropriation of private property for public use, under the existing sections of the General Code, relating to such procedure. The Director of the Department shall have the right and authority to enter into co-operative or contractual agreements with the United States Government, or any of its agencies or departments, or with any other body politic for the accomplishment of any of the purposes of the Act.

In order to maintain experienced personnel in key positions, Senate Bill 13 provides that the State Geologist, the Chief Engineer of the Water Board, the State Forester, and the Conservation Commissioner, should continue to hold their



positions as chiefs of their respective divisions after the effective date of the Act. Concerning new division chiefs for the divisions created by the Act, the law provided that these were to be appointed by the Director with the approval of the Natural Resources Commission.

To further strengthen the security of trained personnel, the law provides that any person holding a position within the classified Civil Service of the State, would be transferred to an equal position and grade in the new Department. Persons who were holding employment in the divisions or departments not previously subject to Civil Service were placed without examination, in positions commensurate with the duties, seniority and compensation of their previous employment.

I had originally thought to outline some of the work of all of the seven divisions of the Department; but since Mr. Melvin of the Geological Survey and Mr. Bernhagen, of the Division of Water, are to appear on this program and tell of the work of their agencies, I shall refrain from discussing the importance and work of these two divisions.

The Division of Beach Erosion was created for the purpose of engaging in projects and in lending co-operation to other agencies engaged in projects for the protection of the south shore of Lake Erie from the severe damage which occurs as a result of shore erosion. This work was formerly carried on under the Ohio Department of Public Works, and its program is virtually unchanged insofar as background of legal authority is concerned. One of the principal limitations with regard to the Division of Beach Erosion is the character and cost of the work involved. The laws under which this division functions, more or less restrict its projects and programs to those places along Lake Erie where public benefits are involved. Its program does not encompass the protection or rehabilitation of privately-owned lands. This division has jurisdiction and control of the submerged lands, belonging to the State under the waters of Lake Erie and the minerals they contain. The Division of Beach Erosion is headed by Mr. F. O. Kugel, a veteran engineer, who spent many years in this work with the Department of Public Works.

The Division of Parks, to quote directly from Senate Bill 13, "shall have the right, power, and duty to create, supervise, operate, protect, and maintain a system of State parks and to promote the use thereof by the public. Within 30 days after the effective date of this Act, all state properties, the major function of which is park in nature, shall be classified and transferred to the Department, except roadside parks, of the Department of Highways and lands of the Archaeological and Historical Society."

In order to understand the complexity of the problem involved in meeting the terms of the law, it is necessary to have some knowledge of Ohio's widely-scattered park system, prior to the establishment of this new Department.

A century or more ago, the State of Ohio engaged in building a great network of canals throughout the State, including feeder reservoirs for water supply. After the railroads supplanted the canals as a means of transportation, these lands and waters remained under the ownership of the State. Some of these reservoirs were continued under the management of the Department of Public Works with much of the rest of the canal system. Most of the reservoirs, however, were turned over to the former Division of Conservation, primarily, for the public recreation and the fishing values involved. Over the years, most of the desirable state-owned lands adjacent to the larger areas of water were leased to private individuals for a wide variety of uses. The State, however, retained custody of the water, itself, to permit boating and fishing and frequently the term "state park" was applied to such areas, although there was actually little park value involved.

In recent years, financed by both general revenue and fishing license funds, the former Division of Conservation had constructed a number of headwater lakes, primarily for additional public fishing waters. On most of these areas, a narrow

access strip was acquired around the edge of the lake, and occasionally a few acres of ground to permit the construction of a shelter house and related facilities. However, these, too, fell far short of meeting the accepted definition of a State park, even though they were frequently listed and publicized as such.

During the last quarter of a century, the Division of Forestry had acquired by purchase or co-operative agreement almost 150,000 acres in the State Forest System. The laws under which the Division of Forestry operated, were wisely written to permit acquisition of land not only for forest purposes, but for scenic, scientific and recreational values as well. Many of the finest potential park areas in the State thus passed into the custody of the Division of Forestry. Recognizing the growing public interest and demand for outdoor recreation, this agency in recent years had advanced the development of public use facilities on the lands it operated and controlled. When Senate Bill 13 became law, these recreational facilities which had been thus far developed by the Division of Forestry were to pass over to the management and operation of the Division of Parks. There are numerous problems involved in arriving at a sensible basis for such a transfer of program and authority, since the recreational work had been developed as only one phase of a broadly integrated program of good land use on the State forest system. In other words, in most instances, the same personnel, the same supervision, and the same equipment were used to carry on the recreational program in conjunction with the general forestry program on these areas involving timber harvest, reforestation, fire control, road maintenance and similar activities.

The new Division of Parks has a tremendous problem ahead of it. It has considerable money at its disposal for the construction and development of new areas and new facilities, but it is sorely handicapped at present by lack of adequate operation and maintenance funds. The Division of Parks is directed by Mr. V. W. Flickinger, formerly the Chief of the Division of Lands and Waters of the State of Iowa. This Division has a real job ahead of it in development of a long-range program designed to meet Ohio's future park needs.

With relation to forestry in the new unified Department, the Division of Forestry was transferred from its former place with the Agricultural Experiment Station into the new Department with scarcely a change in its day-to-day program. Only minor changes were made in the forestry laws of the Ohio General Code. Technical forestry research was left as a function of the Agricultural Experiment Station. Forestry had been unique among State agencies in the past, in that it had no Columbus office, its principal office being at the Wooster Experiment Station and its southern Ohio office at Chillicothe. Until expanded office facilities are available here in Columbus, this arrangement must still prevail.

The Division of Wildlife carries practically all of the programs formerly vested in the Division of Conservation and Natural Resources, except those activities formerly conducted under its Inland Lakes and Parks Section. When Senate Bill 13 was passed, it provided that the former Conservation Commission, the policy making board in the past, was to maintain its identity and be known as the Wildlife Council. Its principal function is to establish rules and regulations concerning the taking, propagation, habitat restoration and federal projects relating to fish and game, and to advise with the Director of Natural Resources in all matters pertaining to the planning and developing of the programs and policies of the Division of Wildlife.

The law provides, as in the past, that money received from the sale of hunting and fishing licenses shall be used for the operation of the Wildlife Division, and it establishes certain maximum percentages which may be used for administration and law enforcement.

The seventh division which was authorized under Senate Bill 13, is the Division of Lands and Soil. This Division has not yet been established, and probably will

not be until we are in a position to provide it with office space, equipment, and qualified personnel. This Division is not intended to replace or to do away with any existing agency working in the field of Soil Conservation. Rather, it is intended to correlate the activities and to encourage and assist all other agencies which may be faced with problems relating to soil conservation. The primary function of this division will be to inventory the land resources of the State and to provide technical and mechanical assistance to existing Soil Conservation Districts.

While no one can safely predict what future legislatures will do, there is at this time considerable sentiment that the present Division of Reclamation in the Department of Agriculture, dealing with strip mine lands, might well come over into this new Division of Lands and Soils in the Department of Natural Resources. Such a change, of course, could only occur by legislative enactment.

SUMMARY

It will be seen from the foregoing that there is quite an elaborate legal framework now established for the new Department of Natural Resources. Yet, I believe that all of us who try to think the matter through, must recognize that while this legal framework may be both necessary and desirable, it is no guarantee in itself for the success of the new unified department. Rather, we must view it as a means toward an end, and not as the end objective in itself.

We must be broad enough, and honest enough, to recognize that it is going to take wise council, constructive long-range planning, competent sincere personnel, and a substantial amount of money, to do the things which we all know should be accomplished here in our own State.

We are currently faced with the problems incident to an increasing population. We are faced with the perpetual problem of maintaining the fertility and productiveness of our agricultural lands, and we are likewise faced with finding an intelligent answer to the problem of our growing areas of marginal and submarginal lands throughout the State. Yet, I believe that whether it happened to be Senate Bill 13, passed last year, or some other bill, passed within the next decade or so, we would ultimately have come to a similar effort to unify our thinking and action; for the present and future welfare of our citizens depends upon the conservation and wise use of our basic resources. Through the findings of science, we have come to the realization that we cannot hope to save one of our renewable resources without saving them all. Neither can we destroy any one resource without doing damage and injury to another equally important resource. Science has led the way in pointing out the affinity of soil, water and plants, upon which life itself depends.

In the last half century, we have gone far in development of the industrial and technical phases of our national economy. We have streamlined and integrated business and industry to secure greater efficiency in production, and better distribution of goods. It is inevitable that, sooner or later, we would come to the same philosophy in the management of our basic natural resources.

I believe, too, that this attempt to unify and integrate our efforts in the field of resource conservation represents another mile post along the road of our mental and spiritual progress. A hundred years ago in this country of ours, we abolished the institution of human slavery; 50 years ago, we began to pass social legislation for the protection of our less fortunate elements of population. Perhaps, this current rising interest in the welfare of our basic resources is evidence that we may be widening our spiritual horizons sufficiently to recognize that mankind does not own the earth, but that each generation, is destined to serve as a trustee of these basic resources, for generations yet to come.

I realize fully my own limitations in the tremendous work that lies ahead, and will certainly welcome help and suggestions from members of the Ohio Academy of Science.